



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

JRE
Docket No: 1259-00
5 December 2000



Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 30 November 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you were the subject of a medical board convened on 24 February 1999. You were given diagnoses of bilateral chondromalacia patella, and irritable bowel syndrome, and referred to the Physical Evaluation Board. On 3 May 1999, the Record Review Panel of the Physical Evaluation Board made preliminary findings that you were fit for duty. Your requests for reconsideration of that finding and for a formal hearing were denied on 25 May 1999. On 17 November 1999, you requested that you be processed for separation for the convenience of the government by reason of a condition, not a disability, interfering with duty. Your request was granted, and you were discharged on 14 January 2000. On 24 March 2000, the Department of Veterans Affairs (VA) granted you service connection for irritable bowel syndrome, bilateral patellofemoral pain syndrome, and residuals of a fractured finger, with ratings of 10%, 0% and 0%, respectively.

The fact that you have received disability ratings from the VA is not probative or error or injustice in your case. In this regard, the Board noted that the VA assigns ratings to conditions it classifies as "service connected", i.e., incurred in or aggravated by service,

without regard to the issue of fitness for military service. As you have not demonstrated that you were unfit for duty at the time of your discharge, there is no basis for granting your request. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director